

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

TQ DELTA, LLC, Plaintiff,
 v.
 COMMSCOPE HOLDING COMPANY,
 INC., et al., Defendants

Case No.: 2:21-CV-00310-JRG

BILL OF COSTS

Judgment having been entered in the above entitled action on 05/03/2023 against Defendants,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 402.00
Fees for service of summons and subpoena	
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	147,216.80
Fees and disbursements for printing	10,204.59
Fees for witnesses (<i>itemize on page two</i>)	12,115.14
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	3,926.65
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	34,718.78
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (<i>please itemize</i>)	37,624.29
TOTAL	\$ 246,208.25

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

☒ Electronic service ☐ First class mail, postage prepaid

☐ Other: _____

s/ Attorney: Peter J. McAndrews

Name of Attorney: Peter J. McAndrews

For: TQ DELTA, LLC Date: 05/26/2023
Name of Claiming Party

Taxation of Costs

Costs are taxed in the amount of \$246,208.25 and included in the judgment.

David A. O'Poole
 Clerk of Court

By: Nakisha Love
 Deputy Clerk

5/31/23
 Date

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
[This reflects totals; airfare expenses are provided under "Mileage"; see Itemization for details.]		1,600.00		6,594.00		3,921.14	\$12,115.14
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$12,115.14

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:**RULE 54(d)(1)**

Costs Other than Attorneys’ Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

<u>Witness Costs</u>		<u>Witness Fees</u>				
<u>Witness (residence)</u>	<u>Dates</u>	<u>Per Diem</u> <u>(\$40/day)</u>	<u>M&IE</u> <u>(\$59/day)</u>	<u>Accommodations</u> <u>(\$98/day)</u>	<u>Airfare</u>	<u>Taxable Amount</u>
A. Divine (Austin, TX)	Mar. 16-24, 2023 (trial); Jul. 13, 2022 (dep)	\$280.00	\$472.00	\$784.00	n/a	\$1,536.00
Ma. Tzannes (Petaluma, CA)	Mar. 16-20, 2023 (trial); Aug. 4, 2022 (dep)	\$120.00	\$177.00	\$294.00	\$1,113.20	\$1,704.20
Mi. Tzannes (Boston, MA)	Mar. 20-22, 2023 (trial); Jul. 26, 2022 (dep)	\$120.00	\$177.00	\$294.00	\$684.63	\$1,275.63
B. Bernstein (Wynnewood, PA)	Aug. 9, 2022 (dep)	\$40.00	n/a	n/a	n/a	\$40.00
B. Seidel (Austin, TX)	Feb. 8, 2022 (dep)	\$40.00	n/a	n/a	n/a	\$40.00
M. Roche (Dallas, TX)	Aug. 12, 2022 (dep)	\$40.00	n/a	n/a	n/a	\$40.00
A. Brody (Short Hills, NJ)	Mar. 16-24, 2023 (trial); Dec. 1, 2022 (dep)	\$240.00	\$472.00	\$784.00	\$888.11	\$2,384.11
T. Cooklev (Fort Wayne, IN)	Mar. 16-24, 2023 (trial); Apr. 8, Dec. 8-9, 2022 (deps)	\$320.00	\$472.00	\$784.00	\$853.41	\$2,429.41
V. Madisetti (Johns Creek, GA)	Mar. 19-24, 2023 (trial); Dec. 1, 2022 (dep)	\$200.00	\$295.00	\$490.00	n/a	\$985.00
J. Putnam (Marblehead, MA)	Mar. 16-23, 2023 (trial); Dec. 6, 2022 (dep)	\$200.00	\$413.00	\$686.00	\$381.79	\$1,680.79
		\$1,600.00	\$2,478.00	\$4,116.00	\$3,921.14	\$12,115.14

<u>Transcript</u> <u>Date/Description</u>	<u>Transcript Invoice</u>	<u>Invoice</u> <u>Amount</u>	<u>Taxable</u> <u>Amount</u>	<u>Videographer</u> <u>Invoice</u>	<u>Taxable</u> <u>Amount</u>	<u>Video Invoice</u>	<u>Taxable</u> <u>Amount</u>	<u>Total</u> <u>Taxable Amount</u>
<u>TQ Delta Experts</u>								
2022 04 08 Cooklev	Planet 04/28/2022	\$910.25	\$759.75					
2022 12 01 Brody	TSG 12/13/2022	\$2,590.40	\$2,054.90					
2022 12 01 Madisetti	TSG 12/19/2022	\$2,261.80	\$1,830.75					
2022 12 06 Putnam	TSG 12/14/2022	\$3,905.95	\$1,605.25					
2022 12 08 Cooklev	TSG 12/21/2022	\$2,890.50	\$2,890.50					
2022 12 09 Cooklev	TSG 12/21/2022	\$2,437.40	\$1,830.50					
<u>TQ Delta and Inventors</u>								
2022 02 08 Seidel	Veritext 02/21/2022	\$941.95	\$682.55					
2022 07 13 Tzannes, Ma	Planet 07/20/2022	\$2,580.00	\$2,230.00					
2022 07 21 Pizzano	TSG 08/03/2022	\$628.55	\$573.55			TSG 03/09/2023	\$250.00	
2022 07 22 Cahill	TSG 08/03/2022	\$573.65	\$518.65			TSG 03/09/2023	\$250.00	
2022 07 26 Tzannes, Mi	Planet 08/08/2022	\$1,809.25	\$1,350.75			Planet 03/09/2023	\$350.00	
2022 08 01 Krinsky	Planet 08/25/2022	\$301.00	\$301.00			Planet 03/09/2023	\$245.00	
2022 08 04 Divine	Planet08/26/2022	\$2,730.50	\$2,142.50					
2022 08 04 Reiter	TSG 09/22/2022	\$571.30	\$352.90					
2022 08 09 Bernstein	Planet 08/25/2022	\$1,040.30	\$669.00					
2022 08 12 Roche	Planet 09/02/2022	\$1,325.30	\$796.00					
<u>Broadcom</u>								
2022 08 24 Yu	H&H 09/14/2022	\$4,742.20	\$4,049.70	Vidig 09/13/2022	\$2,300.00	Vidig 03/06/2023	\$1,262.50	
2022 08 25 Cassiers	H&H 08/30/2022	\$6,144.40	\$5,666.90	Vidig 08/31/2022	\$1,350.00			
<u>CommScope Experts</u>								
2022 11 29 Zimmerman	H&H 12/19/2022	\$2,936.95	\$2,137.95	Vidig 12/02/2022	\$1,340.00			
2022 12 01 Wesel	H&H 12/13/2022	\$3,127.81	\$2,651.31	Vidig 12/21/2022	\$1,100.00			
2022 12 02 Jones	H&H 12/19/2022	\$1,956.35	\$1,435.00	Vidig 12/12/2022	\$850.00			
2022 12 02 Lanning	H&H 12/21/2022	\$4,951.35	\$3,738.35	Vidig 12/21/2022	\$2,087.50	Vidig 03/06/2023	\$1,350.00	
2022 12 05 Al-Dhahir	H&H 12/13/2022	\$6,246.27	\$5,325.77	Vidig 12/21/2022	\$1,800.00	Vidig 03/06/2023	\$912.50	
2022 12 06 McNair	H&H 12/21/2022	\$4,040.65	\$3,520.65	Vidig 12/21/2022	\$1,950.00			

2022 12 07 Becker	H&H 12/13/2022	\$6,575.65	\$5,970.65 Vidig 12/21/2022	\$1,950.00	
2022 12 07 Cimini	H&H 12/13/2022	\$8,334.19	\$6,789.19 Vidig 12/21/2022	\$1,900.00 Vidig 03/06/2023	\$1,437.50
2022 12 07 Ransom	H&H 12/13/2022	\$3,371.10	\$3,026.10 Vidig 12/21/2022	\$1,800.00	
2022 12 09 Overby	H&H 12/29/2022	\$2,516.80	\$2,106.80 Vidig 1/6/2023	\$1,250.00 Vidig 03/06/2023	\$825.00
2023 03 12 Cimini	Planet 03/28/2023	\$1,374.25	\$1,146.75		

CommScope Employees

2022 01 21 Shead	H&H 02/10/2022	\$1,682.45	\$1,216.75 Vidig 02/10/2022	\$900.00	
2022 07 28 Miller	H&H 08/14/2022	\$2,876.20	\$1,940.20 Vidig 08/02/2022	\$1,600.00 Vidig 03/06/2023	\$1,000.00
2022 08 09 Shead	H&H 08/26/2022	\$3,858.70	\$2,756.20 Vidig 08/31/2022	\$1,690.00 Vidig 03/06/2023	\$1,175.00
2022 08 09 Baker	H&H 08/17/2022	\$2,797.84	\$2,430.84 Vidig 08/11/2022	\$1,200.00 Vidig 03/06/2023	\$781.25
2022 08 10 Wauters	H&H 08/16/2022	\$3,106.10	\$2,369.60 Vidig 08/22/2022	\$1,250.00 Vidig 03/06/2023	\$1,218.75
2022 08 11 Hagerty	H&H 08/30/2022	\$2,621.85	\$1,900.85 Vidig 08/11/2022	\$1,250.00	
2022 08 11 Rosenthal	H&H 08/30/2022	\$1,687.00	\$1,198.00 Vidig 08/31/2022	\$950.00 Vidig 03/06/2023	\$693.75
2022 08 12 Salazar	H&H 09/01/2022	\$1,446.85	\$975.85 Vidig 08/31/2022	\$800.00 Vidig 03/06/2023	\$606.25
2022 08 17 Cochran	H&H 09/01/2022	\$1,803.80	\$1,290.30 Vidig 08/31/2022	\$690.00 Vidig 03/06/2023	\$518.75
2022 08 19 Ramanujam	H&H 09/07/2022	\$2,199.20	\$1,942.70 Vidig 09/08/2022	\$850.00 Vidig 03/06/2023	\$650.00

Hearings and Trial

2022 06 01 Markman	Shawn McRoberts	\$133.20	\$133.20		
2022 09 08 Motion	Shawn McRoberts	\$242.50	\$242.50		
2023 03 02 Pre/Trial	Shawn McRoberts	\$16,282.39	\$16,282.39		
			\$102,833.05	\$30,857.50	\$13,526.25
					\$147,216.80

Fees of the Clerk

<u>Invoice Date</u>	<u>Paid To</u>	<u>For</u>	<u>Taxable Amount</u>
2021 08 13	U.S. Courts	Filing Fee	\$402.00

Compensation of Court-Appointed Experts

<u>Invoice Date</u>	<u>Paid To</u>	<u>For</u>	<u>Taxable Amount</u>
2022 06 09	David Keyzer	Technical Advisor	\$34,718.78

Printing

<u>Invoice Date</u>	<u>Paid To</u>	<u>For</u>	<u>Taxable Amount</u>
2023 03 10	KTS	Trial exhibit printing	\$4,739.61
2023 03 24	KTS	Trial exhibit printing	\$5,464.98
			\$10,204.59

Copying

<u>Invoice Date</u>	<u>Paid To</u>	<u>For</u>	<u>Taxable Amount</u>
2023 03 09	Issus Discovery	520,000 pages of document	\$3,926.65

Other

<u>Invoice Date</u>	<u>Paid To</u>	<u>For</u>	<u>Invoice Amount</u>	<u>Compromise Taxable Amount</u>
2023 03 27	KT Designs	Trial Graphics/Demonstration	\$56,725.00	\$25,624.29
2023 03 28	SolveLit, LLC	Trial Video/Graphics/Demonstration	\$42,341.67	\$12,000.00
			\$99,066.67	\$37,624.29